

No. 11(112)-80-3 Lab/7419.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Instrument and appliances Sector -27, Mathura Road, Faridabad.

BEFORE SHRI M.C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA FARIDABAD

Reference No. 329 of 1979

between

Shri J. R. Rajput, workman and the management of M/s Instrument and Appliances Sector 27, Mathura Road, Faridabad.

Present:—

Shri Bhim Singh Yadav, for the workman.

Shri Y. H. Diwan, for the management.

AWARD

1. By order No. 170-79/45270, dated 24th October, 1979 the Governor of Haryana referred the following dispute between the management of M/s Instrument and Appliances, Sector 27, Mathura Road, Faridabad and its workman Shri J. R. Rajput to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 ;

Whether the termination of services of Shri J. R. Rajput was justified and in order? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. But on 19th May, 1980 the date fixed in the case, the representative for the workman stated that he has no instructions from the workman and he did not want to proceed further in the case. I, therefore, give my award that there is no dispute between the parties at present as the representative for the workman did not want to proceed further with the case.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal,
Haryana Faridabad.

No. 11(112)-80-3 Lab/7420.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Aggarwal Foundary and Engg. Works Sector 24, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER INDUSTRIAL TRIBUNAL, HARYANA FARIDABAD

Reference No. 337 of 1978

between

Shri Daulat Ram, workman and the management of M/s Aggarwal Foundary and Egg. Works Sector 24, Faridabad.

Present:—

Shri Bhim Singh Yadav, for the workman.

Shri Y.H. Diwan, for the management.

AWARD

1. By order No. ID/FD/87-78/37838, dated 16th August, 1978, the Governor of Haryana referred the following dispute between the management of M/s Aggarwal Foundary and Engg. Works sector 24 Faridabad and its workman Shri Daulat Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause(d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Daulat Ram was justified and in order? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 9th August, 1979 :—

1. Whether Shri Daulat Ram was workman under the I.D. Act ?
2. Whether the termination of services of the workman was justified and in order ?
3. Relief.

And the case was fixed for the evidence of the workman. On two dates the workman prayed for adjournment for adducing his evidence. Then negotiations for settlement started. Finally a settlement was arrived at between the parties. According to the settlement the workman received a sum of Rs. 3,000 from the management in full and final settlement including his right of reinstatement. I, therefore, give my award that there is no dispute between the parties as the workman has settled his dispute with the management and has received a sum of Rs. 3,000 from the management in full and finally. The workman is not entitled to any relief.

The 19th May, 1980.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 440, dated 20th May, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

The 28th May, 1980

No. 11(112)-80-3 Lab/7382.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Sidana Engineering Works, Sector 24, Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 6 of 1979

between

Shri Tara Chand Sharma, workman and the management of M/s Sidana Engineering Works, Sector 24, Faridabad.

Present.—

Shri Tara Chand Sharma, Workman in person alongwith Shri Bhim Singh Yadav.

Shri R. C. Sharma, for the Management.

AWARD

This reference No. 6 of 1979 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. FD/31-79/49541, dated 22nd November, 1979 under section 10(1) (c) of the Industrial Disputes Act, 1947 for adjudication the disputes existing between Shri Tara Chand Sharma, workman and the management of M/s Sidana Engineering Works, Sector 24, Faridabad. The term of the reference was :—

“Whether the termination of services of Shri Tara Chand Sharma was justified and in order ? If not, to what relief is he entitled ?”

After receiving this reference notices were issued to both the parties and both the parties appeared before this court through their authorised representatives and filed their pleadings. On the pleadings of the parties, the following issues were framed on 9th January, 1980 :—

1. Whether the service of the workman was on probation ?

2. Whether the termination of services of the workman is justified and in order ? If not, to what relief is he entitled ?

3. Relief.

No other issues prayed or pressed by the parties and the case was fixed for the evidence of the parties. On 9th May, 1980 the workman Shri Tara Chand Sharma on 9th May, 1980 made a statement in this court that he has mutually settled his dispute with the management, and has also received a sum of Rs. 469.70 Paise (Rupees four hundred sixty nine and paise seventy only) from the management. He further stated that according to this mutual settlement he has also foregone the right of re-instatement or re-employment with the respondent management. He has also stated that now there is no dispute left with the management.

In these circumstances, I thus relying on the statement of Shri Tara Chand Sharma workman hold that the demand raised by the workman against the management leading to this reference has been duly satisfied. There is now no dispute remains to be adjudicated between the parties. Therefore, I give my award accordingly. No order as to costs. So this award is in answer of this reference.

The 15th May, 1980.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Haryana, Faridabad.

Endt. No. 832, dated 22nd May, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

(I. P. CHAUDHARY),

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-3 Lab /7437.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Sunder Cold Stores and Industries G.T. Road, Kundli Delhi Border (Sonepat).

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No 338 of 1978

SHRI KANWAL SINGH, WORKMAN AND THE MANAGEMENT OF M/S. SUNDER COLD STORES AND INDUSTRIES G.T. ROAD, KUNDLI, DELHI BORDER (SONEPAT).

Present.—Shri Kanwal Singh, workman in person.

Shri D. C. Chandha, for the respondent management.

AWARD

This reference has been made over to this Court by the Hon'ble Governor of Haryana,—*vide* his order No ID/SPT/117-78/54973, dated 7th December, 1978 under section 10(1)(c) of the Industrial Disputes Act, for adjudication of the dispute existing between the workman Shri Kanwal Singh and the management of M/s. Sunder Cold Stores, and Industries G.T. Road, Kundli Delhi Border (Sonepat). The terms of the reference was whether the termination of the service of Shri Kanwal Singh was justified and in order ? if not, to what relief, is he entitled ?

The parties put in their appearance in response to the notice of reference sent to them and filed their respective pleadings on the basis of which the following issues were framed:—

1. Whether the workman abandoned his job of the free will and the management did not terminate his services?
2. Whether the termination of the service of the workman was justified and in order ? If not, to what relief is he entitled ?

The management was asked to lead their evidence on 2nd June, 1979. The management examined Shri Gurjeet Singh as their witness on 2nd June, 1979 and the evidence of the management was closed. The case was

fixed for the evidence of the workman to be recorded on 7th July, 1979. The workman did not produce his evidence and on 4th February, 1980, the representative of the management filed the documents containing the terms of settlement whereby the management paid Rs. 250 in full and final settlement of the claim of the workman concerned under this reference. The statement of the workman regarding the execution of this settlement was recorded. The workman received the agreed amount of Rs. 250 before me from the management in full and final settlement of his entire claim including the right of reinstatement or re-employment.

I hold accordingly and answer the reference in terms of the settlement, — *vide* statement of the workman and returning the award in these terms.

Dated the 20th May, 1980.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 1408, dated 24th May, 1980.

Forwarded (four copies) to the Secretary to the Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

No. 11(112)-80-3 Lab./7438.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Murli Mal Sanatan Dharam Production Centre, Durga Charan Road, Ambala Cantt.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER. LABOUR COURT, ROHTAK

Reference No. 193 of 1979.

SHRIMATI PARKASH SHARMA, WORKMAN AND THE MANAGEMENT OF M/S MURLI MAL SANATAN DHARAM PRODUCTION CENTRE, DURGA CHARAN ROAD, AMBALA CANTT.

Present.—

Shri Rajeshwar Nath, for the workman.

No one for the Respondent.

AWARD

This reference has been made over to this Court by the Hon'ble Governor of Haryana, — *vide* his order No. ID/Amb./140-79/45282, dated 24th October, 1979, under section 10(1)(c) of the Industrial Disputes Act, for adjudication of the dispute existing between the workman Shrimati Parkash Sharma and the management of M/s Murli Mal Sanatan Dharam Production Centre, Durga Charan Road, Ambala Cantt. The term of the reference was whether the termination of the services of Smt. Parkash Sharma was justified and in order ? If not, to what relief she is entitled ?

On receipt of the order of reference notices as usual were sent to the parties. Shri Rajeshwar Nath appeared on behalf of the workman and no one appeared for the management as the notice sent to the management by Registered Post was received back with the endorsement by the Postman that the address of the management was incomplete and the same could not be delivered to the addressee. The workman was directed to file the fresh and complete address of the management. Fresh notice was sent to the management on the address filed by the workman. This notice was also received back with the report that no such person resided on the address given by the workman. On 25th January, 1980, the notice to the respondent was ordered to be sent through Senior Sub-Judge, Ambala City for 28th February, 1980. The notice so sent was received back with the report of the process-server that the manager Shri D. N. Mehta had undergone eye operation and was present at the residence, he intentionally avoided the service and hid himself. Under these circumstances, I arrived at the conclusion that the management did not want to participate in the proceedings and I ordered for *ex parte* proceedings against the management and the case was fixed for *ex parte* evidence of the workman to be recorded on 20th March, 1980. On 20th March, 1980, Shrimati Parkash Sharma, the workman concerned, was examined as WW-1 who deposed that she was working with the respondent with effect from May or June, 1978, on monthly salary of Rs. 175 as Cutter and Stitcher. She used to distribute cloth pieces which she used to cut for stitching to the girls who were working in the Centre. She received the letter Ex. WW-1/1 on 24th May, 1979, which was the order of the termination of the services but she worked up to 31st May, 1979, after which she was not permitted to work. She further stated that no enquiry was held. She was not paid any retrenchment compensation. Shrimati Hardam Kaur was appointed in her place and she was still working with the respondent. The witness further stated that she was idle for the period from termination till today.

Shri Arjun Singh, son of Shri Baru Singh, was examined as WW-2 who deposed that he was a social worker and convenor of Ambala Cantt. Branch Lok Dal. He knew the workman she was working in the respondent concern, services of the workman were terminated on 24th May, 1979, but she worked up to 31st May, 1979. He came to know of this fact from Mr. Kapoor, the Superintendent working in the respondent concerned.

The statement of Shrimati Parkash Sharma, the workman concerned and of Shri Arjun Singh who appeared as WW-2 are to be relied upon when these are made on oath and more so when they are made as *ex parte*. The management did not feel to participate in the proceedings and did not defend themselves against the demands raised by the workman. The management has illegally terminated the services of the workman on 24th May, 1979, without holding any enquiry or serving with any show-cause notice to the workman and thereby not affording any opportunity to the workman before terminating her services. This is complete violation of the principles of natural justice. The management has not paid any retrenchment compensation to the workman and instead Shrimati Hardam Kaur has been appointed in the place of the workman who is still working in the respondent concerned. I, therefore, hold that the order of termination of Shrimati Parkash Sharma is illegal, unjustified and not in order, the workman is entitled to reinstatement with continuity of service and with full back wages. I, therefore, answer the reference while returning the same in these terms.

Dated the 20th May, 1980.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 1407, dated 24th May, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

No. 11(112)-80-3 Lab./7439.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Parkash Tubes Ltd., Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK
Reference No. 153 of 1979

SHRI KAILASH CHOBAY, WORKMAN AND THE MANAGEMENT OF M/S PARKASH TUBES LTD., BAHADURGARH

Present:—

Shri Rajinder Singh, for the applicant.

Shri C. L. Aggarwal, for the management.

AWARD

This reference has been made over to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/RTK/36-79/36094, dated 24th August, 1979, under section 10(1)(c) of the Industrial Disputes Act for adjudication of the dispute existing between the workman Shri Kailash Chobay and the management of M/s Parkash Tubes Ltd., Bahadurgarh. The term of the reference was whether the termination of the service of Shri Kailash Chobay was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance and filed their respective pleadings. On 9th January, 1980, the management filed a photo copy receipt for the payment of Rs. 1,500 duly signed by the workman and witnessed by the Labour Inspector. The management also filed a copy of the settlement which is undated which was signed by the Works Manager and the Factory Manager on behalf of the management and by the workman himself. Along with these documents the management also filed replication for a request by the applicant for withdrawal of his claim. The management was directed to secure the presence of the workman on the next date for verification of all these documents. On 13th March, 1980, Shri Rajinder Singh Dahya filed his letter of authority on behalf of the workman and made the following statement:—

"I have verified from the workman about the truth of the execution of the settlement filed by the management. The same is admitted to be correct and the applicant is bound by the terms of the above-said settlement. Award may be made accordingly."

In view of the statement of the authorised representative of the workman, the parties have settled the dispute between themselves and no dispute remains to be adjudicated upon. I, therefore, make award accordingly and answer the reference while returning the same in these terms.

Dated the 20th May, 1980.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 1406, dated 20th May, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.